

APPEAL NO. 022089  
FILED OCTOBER 4, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on July 15, 2002. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) did not sustain a repetitive trauma injury in the course and scope of her employment; that the claimant has not had disability; and that the claimant timely notified her employer of her claimed injury. The claimant appeals the hearing officer's determinations that she did not sustain a repetitive trauma injury and that she has not had disability. No response was received from the respondent (carrier). There is no appeal of the hearing officer's determination that the claimant gave timely notice of her claimed injury to the employer.

DECISION

The hearing officer's decision is affirmed.

The claimant claims a repetitive trauma injury from performing her work activities as a cashier. The claimant had the burden to prove that she sustained a repetitive trauma injury as defined by Section 401.011(36) and that she has had disability as defined by Section 401.011(16). The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. We conclude that the hearing officer's decision is supported by sufficient evidence and that it is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We do not find that the hearing officer committed reversible error in admitting into evidence the report of the required medical examination (RME) doctor, which report was apparently not transcribed until the day before the CCH, and was based on an examination that occurred five days before the CCH. Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.13(c)(2) (Rule 142.13(c)(2)). We also do not find that the hearing officer abused her discretion in not granting the claimant's request for continuance, which request was made to allow the treating doctor to respond to the RME doctor's report. We note that the treating doctor's opinion regarding causation was before the hearing officer for her consideration.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

---

Robert W. Potts  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Gary L. Kilgore  
Appeals Judge